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The above-captioned action having been resolved by and between the parties pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), all of Plaintiff's claims in the action are dismissed with prejudice and all of Defendant's counterclaims in the action are dismissed without prejudice, with each party bearing its own costs, expenses and attorneys' fees.

## IT IS SO ORDERED.

Dated:

Honorable David O. Carter
UNITED STATES DISTRICT JUDGE